



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: David Allan Scratchley  
Master Case No.: M2011-1420  
Document: Statement of Charges

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the State of Washington, Department of Health and Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

Certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld:

The identity of the complainant if the person is a consumer, health care provider, or employee, pursuant to RCW 43.70.075 (Identity of Whistleblower Protected) and/or the identity of a patient, pursuant to RCW 70.02.020 (Medical Records - Health Care Information Access and Disclosure)

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center  
P.O. Box 47865  
Olympia, WA 98504-7865  
Phone: (360) 236-4700  
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

**STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
SECRETARY OF HEALTH**

In the Matter of

**DAVID ALLAN SCRATCHLEY**  
Credential No. CDPT.CO.60124992

Respondent

**No. M2011-1420**

**STATEMENT OF CHARGES**

The Executive Director of the Chemical Dependency Professional Program (Program), on designation by the Secretary of Health, makes the allegations below, which are supported by the evidence contained in case nos. 2011-159957 and 2011-159961. The patients referred to in this Statement of Charges are identified in the attached Confidential Schedule.

**1. ALLEGED FACTS**

1.1 On November 24, 2009, the State of Washington issued Respondent a credential to practice as a chemical dependency professional trainee. Respondent's credential is set to expire November 24, 2011.

1.2 Between approximately April 2006 and approximately July 2011, Respondent was employed at the Matt Talbot Center, a counseling and treatment agency located in Seattle, Washington.

1.3 Respondent provided treatment services to Patient A. On or about September 1, 2011, Patient A's ten (10) year-old son went to Respondent's home. On or about that same day, Respondent sent text messages indicating he wanted to have sexual contact with Patient A's son. Respondent also had discussions of a sexual nature with Patient A's son. ✓

1.4 On or about September 7, 2011, Respondent was charged with Attempted Rape of a Child in the First Degree and Communication with a Minor for Immoral Purposes in King County Superior Court case no. 11-1-07608-0 SEA. Patient A's son is the alleged victim in that case.

1.5 Between approximately May 2009 through approximately July 2009, Respondent provided treated services to Patient B. Between approximately

September 2009 and approximately July 2011, Respondent and Patient B had an intimate relationship which included sexual intercourse.

1.6 On multiple occasions in approximately 2010 and 2011, Respondent represented himself on the internet as a psychologist. Respondent has never been issued a credential to practice as a psychologist in the state of Washington.

## **2. ALLEGED VIOLATIONS**

2.1 Based on the Alleged Facts, Respondent has committed unprofessional conduct in violation of RCW 18.130.180(1), (7) and (13), WAC 246-16-100(1)(a) and (e), WAC 246-811-020, and RCW 18.83.020, which provide in relevant part:

**RCW 18.130.180 Unprofessional conduct.** The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. ...

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice; ...

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession; ...

### **WAC 246-16-100 Sexual misconduct.**

(1) A health care provider shall not engage, or attempt to engage, in sexual misconduct with a current patient, client, or key party, inside or outside the health care setting. Sexual misconduct shall constitute grounds for disciplinary action. Sexual misconduct includes but is not limited to:

(a) Sexual intercourse; ...

(e) Hugging, touching, fondling or caressing of a romantic or sexual nature; ...

**WAC 246-811-020 Sexual misconduct.**

(1) The definitions and prohibitions on sexual misconduct described in chapter 246-16 WAC apply to chemical dependency professionals and a chemical dependency professional trainee except WAC 246-16-100(3) and (4).

(2) A chemical dependency professional or a chemical dependency professional trainee shall never engage, or attempt to engage, in the activities listed in WAC 246-16-100(1) with a former patient, former client or former key party.

**RCW 18.83.020 License required — Use of "psychology" or similar terms.**

(1) To safeguard the people of the state of Washington from the dangers of unqualified and improper practice of psychology, it is unlawful for any person to whom this chapter applies to represent himself or herself to be a psychologist without first obtaining a license as provided in this chapter.

(2) A person represents himself or herself to be a psychologist when the person adopts or uses any title or any description of services which incorporates one or more of the following terms: "psychology," "psychological," "psychologist," or any term of like import.

2.2 The above violations provide grounds for imposing sanctions under RCW 18.130.160.

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### 3. NOTICE TO RESPONDENT

The charges in this document affect the public health, safety and welfare. The Executive Director of the Program directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline pursuant to RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

DATED NOVEMBER 30, 2011

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
SECRETARY OF HEALTH

  
\_\_\_\_\_  
ROBERT NICOLOFF  
EXECUTIVE DIRECTOR

ROBERT M. MCKENNA  
ATTORNEY GENERAL

  
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ELIZABETH A. BAKER, WSBA #31364  
ASSISTANT ATTORNEY GENERAL

**CONFIDENTIAL SCHEDULE**

**This information is confidential and is NOT to be released without the consent of the individual or individuals named below. RCW 42.56.240(1)**

Patient A

Patient B

